

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	File No.: EB-11-PA-0024
Universal Technologies LTD)	
)	Citation No.: C20113240001
Audubon, Pennsylvania)	
)	
)	

CITATION

ILLEGAL PROGRAMMING OF UNAUTHORIZED FREQUENCIES

Adopted: March 21, 2011

Released: March 22, 2011

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

I. INTRODUCTION

1. This is an official **CITATION** issued pursuant to section 503(b)(5) of the Communications Act of 1934, as amended (“Communications Act”),¹ to Universal Technologies LTD (“Universal”) for programming into a transmitter frequencies for which the licensee was not authorized, in violation of section 90.427(b) of the Commission’s rules (“Rules”).²

2. Universal should take immediate steps to come into compliance and to avoid any recurrence of this misconduct. As explained below, and as provided in the Communications Act, future violations of the Rules in this regard may subject your company to substantial monetary penalties, seizure of equipment, and criminal sanctions.

II. BACKGROUND

3. On February 17, 2011, an agent from the Enforcement Bureau’s Philadelphia Office conducted an investigation and found that Universal had programmed radio transmitting equipment for the Montgomery Mall in North Wales, Pennsylvania with the frequencies 468.375 MHz, 463.375 MHz, 466.325 MHz, and 461.325 MHz for which the Montgomery Mall was not authorized. A representative for Universal later admitted to the FCC agent that a Universal technician programmed the Montgomery Mall’s two-way portable radios and repeater stations. Furthermore, a Montgomery Mall representative confirmed to the FCC agent that Universal had been its only radio service company for several years and has been programming and maintaining the Montgomery Mall’s two-way portable radios and repeater stations during that time.

III. APPLICABLE LAW AND VIOLATIONS

4. Section 90.427(b) of the Rules states that “[e]xcept for frequencies used in accordance with § 90.417, no person shall program into a transmitter frequencies for which the licensee using the

¹ 47 U.S.C. § 503(b)(5).

² 47 C.F.R. § 90.427(b).

transmitter is not authorized.” By programming radio transmitters with frequencies for which the Montgomery Mall was not authorized, Universal violated section 90.427(b) of the Rules.

IV. FUTURE COMPLIANCE

5. If, after receipt of this Citation, Universal violates the Communications Act or the Rules by engaging in conduct of the type described herein, the Commission may impose monetary forfeitures of up to \$16,000 for each such violation or each day of a continuing violation and up to \$112,500 for any single act or failure to act.³ In addition, violations of the Communications Act or the Rules can result in seizure of equipment through *in rem* forfeiture actions, as well as criminal sanctions, including imprisonment.⁴

6. Universal may respond to this Citation within thirty (30) days after the release date of this Citation either through (1) a personal interview at the closest FCC office, or (2) a written statement. Any written statements should specify what actions have been taken by Universal to ensure that it does not program radio transmitters with unauthorized frequencies in the future. Please reference file number EB-11-PA-0024 when corresponding with the Commission.

7. Under the Privacy Act of 1974, any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.⁵ Any knowingly or willfully false statement, or concealment of any material fact, made in reply to this Citation is punishable by fine or imprisonment.⁶ Please also note that section 1.17 of the Rules requires that you provide truthful and accurate statements to the Commission.⁷

V. CONTACT INFORMATION

8. The closest FCC Office is the Philadelphia Office in Langhorne, Pennsylvania. You may contact Gene Stanbro by telephone, (215) 741-3016, to schedule a personal interview, which must take place within thirty (30) days after the release date of this Citation. You should send any written statement within thirty (30) days after the release date of this Citation to: Federal Communications Commission, Philadelphia Office, One Oxford Valley Building, Suite 404, 2300 East Lincoln Highway, Langhorne, Pennsylvania 19047.

9. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least five (5) days advance notice; last minute requests will be accepted, but may be impossible to fill. Send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau:

³ See 47 U.S.C. § 401, 501, 503; 47 C.F.R. § 1.80(b)(3). This amount is subject to further adjustment for inflation (see *id.* § 1.80(b)(5)), and the forfeiture amount applicable to any violation will be determined based on the statutory amount designated at the time of the violation.

⁴ See 47 U.S.C. § 510.

⁵ See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

⁶ See 18 U.S.C. § 1001 *et seq.*

⁷ 47 C.F.R. § 1.17 (“... no person subject to this rule shall; (1) In any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading; and (2) In any written statement of fact, provide material factual information that is incorrect or omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading without a reasonable basis for believing that any such material factual statement is correct and not misleading.”).

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty);

To request this document in accessible formats for people with disabilities (braille, large print, electronic files, audio format): 202-418-0530 (voice), 202-418-0432 (tty).

VI. ORDERING CLAUSES

10. **IT IS ORDERED** that a copy of this Citation shall be sent both by First Class U.S. Mail and certified mail to Universal Technologies LTD at PO Box 7316, Audubon, Pennsylvania 19407.

FEDERAL COMMUNICATIONS COMMISSION

Gene J. Stanbro
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau